

IN RE: PETITION FOR SPECIAL HEARING
NE/S Wilson Point Road, 125'
SE of Hazel Drive
(1605 Wilson Point Road)
15th Election District
5th Councilmanic District
Frederick Faber, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-138-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve the nonconforming use of a restaurant/tavern and parking area in a D.R. 5.5 zone as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified, and were represented by Justin King, Esquire. Also appearing on behalf of the Petition were Carville A. and Marlene M. Biddison, Daughter and son-in-law of Petitioners, Ruth E. Krach, and Frank S. Lee, registered Property Line Surveyor. There were no Protestants.

Testimony indicated that the subject property, known as 1605 Wilson Point Road, is zoned D.R. 5.5 and is currently improved with a one-story tavern on the front of the property facing Wilson Point Road, and a single family dwelling on the rear of the property fronting Stansbury Creek. Mrs. Faber indicated that she and her husband purchased the property in 1970 but have managed the tavern, known as the Wilson Point Inn, since December 1964. Mrs. Faber testified that she has been familiar with the area since she was a young girl. Her first recollection of the tavern existing on the property is in the late 1930's. To her knowledge, the operation of the tavern has been continuous and without interruption since the late 1930's.

Ms. Krach testified she lives approximately two blocks from the subject property. She testified she has lived in the area for 51 years and has personal knowledge of the tavern operating out of the premises continuously and without interruption for the past 51 years.

Petitioners seek relief from Section 104.1, pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The uncontradicted evidence submitted by Petitioners' witnesses clearly established that the use of the property at 1605 Wilson Point Road as a restaurant and tavern has been continuous and without interruption since prior to the zoning regulations becoming effective in 1945.

After due consideration of the testimony and evidence presented, the Petition for Special Hearing should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 30th day of November, 1988 that the Petition for Special Hearing to approve the nonconforming use of a restaurant/tavern and parking area in a D.R. 5.5 zone, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, from and after the date of this order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

November 30, 1988

Justin J. King, Esquire
207 E. Redwood Street, Suite 700
Baltimore, Maryland 21202

RE: PETITION FOR SPECIAL HEARING
NE/S Wilson Point Road, 125' SE of Hazel Drive
(1605 Wilson Point Road)
15th Election District - 5th Councilmanic District
Frederick Faber, et ux - Petitioners
Case No. 89-138-SPH

Dear Mr. King:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
cc: People's Counsel
File



Dennis F. Rasmussen
County Executive

479

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-138-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve a nonconforming use, to wit: a restaurant and parking area located at 1605 Wilson Point Road, situated in a D.R. 5.5 zoning district.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and conditions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I do solemnly declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property, which is the subject of this Petition.

Contract Purchaser: Frederick A. Faber
Signature: Frederick A. Faber
Address: 1605 Wilson Point Rd
City and State: Baltimore, Md

Attorney for Petitioner: Justin J. King
Signature: Justin J. King
Address: 207 E. Redwood St.
City and State: Baltimore, Md

Name, address and phone number of legal owner, contract purchaser or representative to be contacted: Frederick A. Faber
Address: 1605 Wilson Point Rd
City and State: Baltimore, Md

Attorney's Telephone No.: 685-4558
Address: 207 E. Redwood St.
City and State: Baltimore, Md

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of August, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18th day of October, 1988, at 1:30 o'clock P.M.

Frank S. Lee
Zoning Commissioner of Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

Called city re: costs
Date: 10/17/88

Mr. & Mrs. Frederick A. Faber
1605 Wilson Point Road
Baltimore, Maryland 21220

Re: Petition for Special Hearing
CASE NUMBER: 89-138-SPH
NE/S Wilson Point Road, 125' SE Hazel Drive
(1605 Wilson Point Road)
Petitioner(s): Frederick Faber, et ux
HEARING SCHEDULED: TUESDAY, OCTOBER 18, 1988 at 1:30 p.m.

Dear Mr. & Mrs. Faber:

It is advised that \$72.91 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign(s) and post(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before the hearing.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059001
10/25/88
AMOUNT \$ 72.91
RECEIVED BY Justin J. King, Esq. for Frederick A. FABER, et ux
Posting and Advertising 10/18/88 Hearing
89-138-SPH

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

September 12, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 89-138-SPH
NE/S Wilson Point Road, 125' SE Hazel Drive
(1605 Wilson Point Road)
Petitioner(s): Frederick Faber, et ux
HEARING SCHEDULED: TUESDAY, OCTOBER 18, 1988 at 1:30 p.m.

Special Hearing: A non-conforming use, to wit: a restaurant/tavern and parking area located at 1605 Wilson Point Road, situated in a D.R. 5.5 Zoning District.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Mr. & Mrs. Faber
Justin J. King, Esq./Joseph L. Friedman, Esq.
Chesapeake Bay Critical Area Commission
File

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 9/20/88
Posted for: Equal Hearing
Petitioner: Frederick A. Faber, et ux
Location of property: NE/S Wilson Pt. Rd., 125 SE of Hazel Drive
1605 Wilson Pt. Rd.
Location of Sign: Facing Wilson Pt. Rd., across 10' from 700 Hwy.
D.R. 5.5 Zoning District
Remarks: [Signature]
Posted by: [Signature] Date of return: 10/1/88
Number of Signs: 1

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD, October 6, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept 22, 1988.
PO# 05092
2EQ# N20310
THE JEFFERSONIAN,
\$35.63 S. Zake Olson
Publisher

SALES & LEGAL NOTICES
NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
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Case Number: 89-138-SPH
NE/S Wilson Point Road, 125' SE Hazel Drive
(1605 Wilson Point Road)
Petitioner(s): Frederick Faber, et ux
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In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
9:33 Sept 25

ORDER RECEIVED FOR FILING
Date 10/25/88
By Justice J. King

Phone: 687-6922

FRANK S. LEE
Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

April 18, 1988

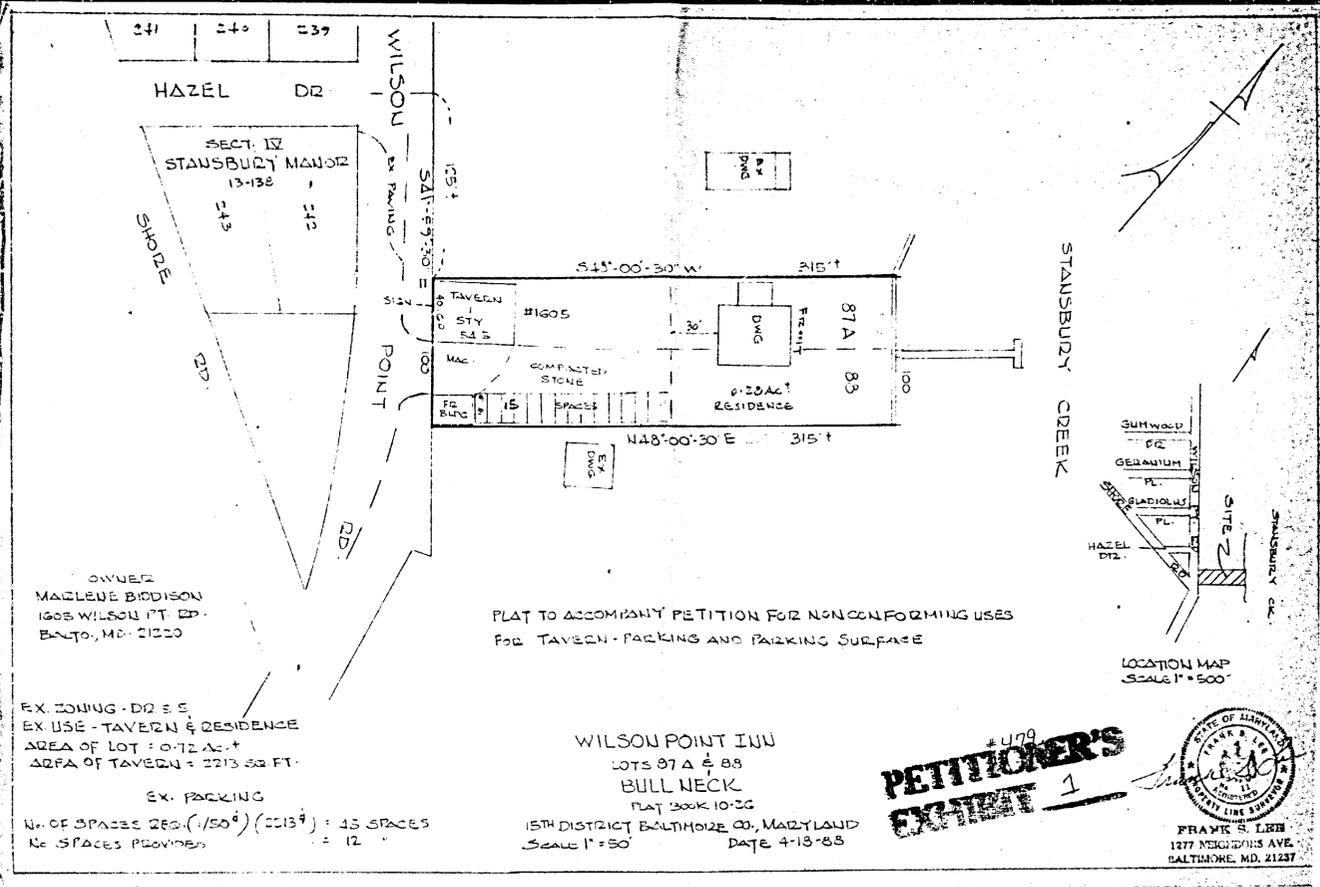
No. 1605 Wilson Point Road
Lots 87A & 88, plat of Bull Neck, 10/26
15th District Baltimore County, Maryland

Beginning for the same on the northeast side of Wilson Point Road at the distance of 125 feet more or less measured southeasterly along said northeast side from the center line of Hazel Drive if extended northeasterly, thence running and binding on the northeast side of Wilson Point Road South 41 degrees 59 minutes 30 seconds East 100 feet, thence leaving Wilson Point Road for a line of: division North 48 degrees 00 minutes 30 seconds East 315 feet more or less to the waters of Stansbury Creek, thence binding on the waters thereof in a northwesterly direction .00 feet, thence running for a line of division South 48 degrees 00 minutes 30 Seconds West 315 feet more or less to the place of beginning.

Containing 0.72 acres of land more or less.



Dennis F. Rasmussen
County Executive



Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

July 15, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

Re: Property Owner: Frederick Faber, et ux (Critical area)
Location: NE/S Wilson Pt. Rd., 125' SE Hazel Dr.
1605 Wilson Point Road
Item No.: 479 Zoning Agenda: Meeting of 7/12/88

Dennis F. Rasmussen
County Executive

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
2. A second means of vehicle access is required for the site.
EXCEEDS the maximum allowed by the Fire Department.
3. The vehicle dead end condition shown at _____
EXCEEDS the maximum allowed by the Fire Department.
4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
6. Site plans are approved, as drawn.
7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Reincke* Noted and Approved: *John F. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

1/31

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
494-3554

August 3, 1988

Dennis F. Rasmussen
County Executive

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 469, 472, 473, 477, 478, 479, 481, 483, 484, 485 and 486.

Very truly yours,
Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

89-138-SPH
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this _____ day of August, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Frederick A. Faber, et ux
Petitioner's Attorney: Justin J. King

Received by: James F. Dyer
Chairman, Zoning Plans Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE
October 10, 1988

COUNTY OFFICE BLDG
111 W. Chesapeake Ave
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Justin J. King, Esquire
Suite 700
207 East Redwood Street
Baltimore, Maryland 21202

RE: Item No. 479 - Case No. 89-138-SPH
Petitioner: Frederick A. Faber, et ux
Petition for Special Hearing

Dear Mr. King:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt
cc: Frank S. Lee
1277 Neighbors Avenue
Baltimore, Maryland 21237

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: July 28, 1988

FROM: Mr. Robert W. Sheesley

SUBJECT: Wilson Point Inn - Zoning Variance

Subject property is located at 1605 Wilson Point Road along Stansbury Creek in Baltimore County. The site is within the Chesapeake Bay Critical Area and is classified as Limited Development Area.

The applicant has requested a zoning variance for non-conforming use of a restaurant/tavern and parking area located in a D.R. 5.3 zoning district.

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding that projects are consistent with the following goals of the Critical Area Law:

1. Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts. (COMAR 14.15.10(a)(1)(2)(3))

The proposed development will comply with the law provided that the zoning petition is conditioned on compliance with the following requirements:

1. Two major deciduous trees or four conifers planted and maintained on the lot. A combination of these tree types is acceptable provided that 2,000 square feet of tree cover is provided. A major deciduous tree is estimated to cover 1,000 square feet and a conifer, 500 square feet at maturity.
2. Storm water runoff from impervious surfaces associated with this petition should be directed over pervious areas such as lawn to encourage maximum infiltration.

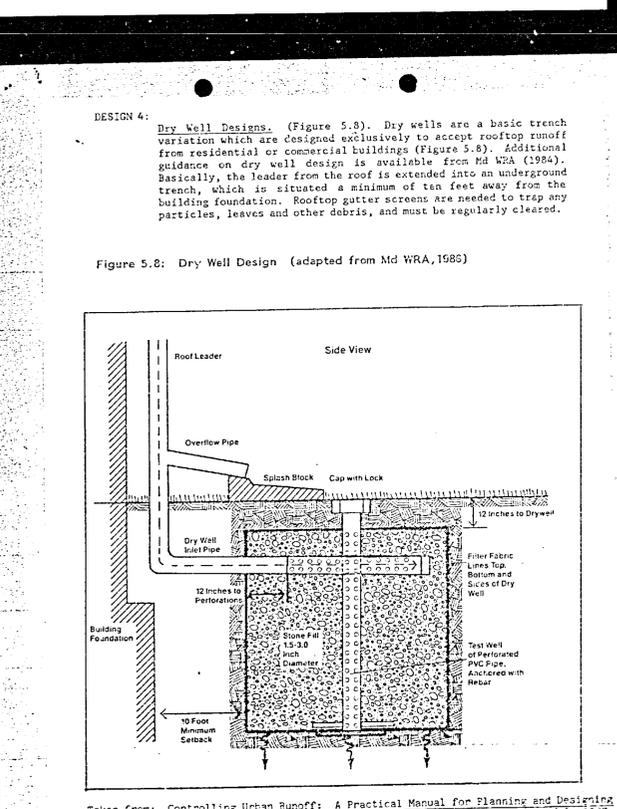
Mr. J. Robert Haines
July 28, 1988
Page 2

3. Rooftop runoff should be directed through down-spouts and into a dry well of approved design to encourage maximum infiltration (see attached dry well design).

Upon compliance with the above recommendations, this project is approved. Please contact Mr. David C. Flowers at 494-3980 if you have any questions.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection and Resource Management

RWS:DCF:tg
Attachment



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO Zoning Commissioner
Date: October 17, 1988

Pat Keller, Deputy Director
FROM Office of Planning and Zoning

Frederick A. Faber, et ux
SUBJECT Zoning Petition No. 89-138-SPH

The applicant is requesting a special hearing to establish an existing non-conforming use. In reference to this request, staff provides the following information:

- The subject property is located within the Chesapeake Bay Critical Area. As such, this project will have to comply with those regulations.
- In an effort to mitigate some of the impact of the parking area located on the east side of the lot, staff would suggest the creation of a landscape screen between the parking lot and adjoining residence.

Based upon the information provided and analysis conducted, staff would recommend approval of the applicant's request subject to the creation of a landscape screen and conformance with critical area requirements.

PK/sf

RECEIVED ZONING OFFICE
DATE: 10/17/88

LAW OFFICES
Joseph L. Friedman
207 E. Redwood Street
Suite 700
Baltimore, Maryland 21202

Wynan Park Office:
210 W. 28th Street
Baltimore, Maryland 21211

(301) 685-4560
July 19, 1988

(301) 243-1001

Office of Zoning
County Office Building
Towson, MD 21284

ATTENTION: Gwen Stephens

Re: 1605 Wilson Point Road
Item 479

Dear Ms. Stephens:

In accordance with instructions received from Chris Rorke on June 29, 1988 when I had the pleasure of meeting with her, I submit herewith two additional signed petitions for insertion in the above referenced matter.

Please be advised that further, in accordance with Ms. Rorke's instructions, I mailed on July 6, 1988 a copy of the petition as well as the plat depicting the subject property to the Department of Environmental Protection and Resource Management.

Please advise as to when a hearing will be scheduled in this matter.

Thank you for your kind cooperation in this matter.

Very truly yours,

Joseph L. Friedman
Joseph L. Friedman

JLF/and
Enclosures



JUSTIN JAMEN KING
ATTORNEY AT LAW
SUITE 700
207 EAST REDWOOD STREET
BALTIMORE, MARYLAND 21202
October 21, 1988

Baltimore County Zoning Office
111 West Chesapeake Avenue
Towson, Maryland 21284

Attn: Betty

Re: Item No. 479
Case No. 89-138-SPH
Petitioner: Frederick A. Faber, et ux

Dear Betty:

Pursuant to your request enclosed please find my check in the amount of \$72.91 representing advertising and posting fees. Please forward to me a copy of the Order once same is signed by the Petitioner.

Thank you very much for your cooperation.

Very truly yours,

Justin G. King
Justin G. King

JJK/mlw
enclosure
cc: Marlene Biddison

RECEIVED
OCT 24 1988

ZONING OFFICE